

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, July 10, 2013
6:00 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 6:00 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair
Brad Avery
Paul Blank
David Girling
Duncan McIntosh
Karen Rhyne
Joe Stapleton

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Council Member Nancy Gardner

3) PLEDGE OF ALLEGIANCE

4) WELCOME NEW COMMISSIONER JOE STAPLETON

Chair West welcomed Commissioner David Girling back to the Commission noting his re-appointment by Council. In addition, he welcomed new Commissioner Joe Stapleton and congratulated him on his appointment.

Commissioner Stapleton introduced himself and briefly addressed his background. He indicated his pleasure at the opportunity to serve the community on harbor issues.

5) PUBLIC COMMENTS

Interested parties were invited to address the Commission at this time.

Jim Mosher referenced written comments submitted in advance of the meeting and addressed the wharf that collapsed into the Rhine Channel, and felt that the Coastal Commission sees the rebuilding of that property as an opportunity to extend the public boardwalk. He reported that the property owner is adamantly against having a public boardwalk on their property, and the matter has come down to having the State Lands Commission decide on the location of the boundary between the public and private property. He reported that at its June 25, 2013 meeting, Council voted to instruct the City Manager to take the side of the property owner. He referenced comments he made at a recent Council meeting regarding Mariner's Mile being in the Coastal Zone where the newest Member of Council indicated that what Newport Beach needs is local control and a Coastal Commission that stays out of the City's hair. Mr. Mosher felt that this is not about local control but rather respecting the will of the people of California as expressed through the Coastal Act. He added that there is a natural antagonism between private and public rights in the Coastal Zone. He wished that Council would have sought the Harbor Commission's opinion in a more thorough public discussion before deciding to take sides on the issue.

Mr. Mosher addressed the ownership transfer of a commercial dock that has been owned by the Vallely family on Balboa Island. He indicated that the item was to be heard by the Harbor Commission but has gone

directly to court, and suggested the need for clarification on the matter since Council discussed the issue in Closed Session, anticipating litigation at its most recent meeting.

Dave New reported the intent to bring a vessel to Newport Harbor for a christening in September or October of this year. He stated that the vessel is over 220 feet and needs a place to rest for approximately one week for the festivities. He reported that the owner is a resident of Newport Beach and provided specifications of the vessel. He suggested installing a temporary mooring and distributed pictures of the vessel. He requested information in terms of next steps.

Mr. New was advised to contact the Harbor Resources Manager to discuss the matter.

Brief discussion followed regarding the gross tonnage of the vessel, the draft and the beam.

6) APPROVAL OF MINUTES – June 12, 2013 Minutes

Chair West reported receiving comments from Jim Mosher with corrections to the subject minutes and asked that they be incorporated into the final minutes.

Motion: Commissioner Blank made a motion to approve the minutes of the Harbor Commission of the June 12, 2013, Regular Meeting, as amended. Commissioner McIntosh seconded the motion, which carried with 7 ayes and 0 noes. Approved.

7) CURRENT BUSINESS

Chair West suggested hearing Item 2 under Current Business at this juncture, without objection.

2. Review Harbor Commission Objectives for Fiscal Year 2012-13

The Commission will review the progress made on the Commission's objectives during fiscal year 2012-13.

Recommendation:

- 1) Receive and file.

Chair West addressed the objectives of the Harbor Commission in detail as well as the related subcommittees. He reported that significant progress has been made on key objectives including development of an improved Regional General Permit-54 process. He addressed the Newport-specific Eelgrass Plan and noted that it will be presented in its final form at a meeting of the resource agencies on July 30, 2013. He reported that the plan enjoys the support of many agencies and expressed optimism regarding its success.

Chair West addressed development of recommendations for the best and highest use of the Lower Castaways. He reported that the subcommittee has made progress and noted public input and the help of the City Manager, Council Member Gardner and the Parks, Beaches and Recreation Commission. He expects that the subcommittee will bring specific recommendations to the Harbor Commission towards the end of this calendar year.

Chair West addressed harbor lines and vessel overhang regulations, and provided a status update on the matter, including consideration by the Tidelands Management Committee.

Additionally, Chair West addressed Harbor Code Enforcement and noted issues needing to be addressed. He hoped that the Commission will recommit itself towards this objective. He reported on the success of a recent public forum on paddleboard safety and addressed educational opportunities identified by the subcommittee, including the opening of Marina Park. Regarding the development of strategies to maintain water-related businesses in the harbor, Chair West reported no significant progress but noted that the objective is within the purview of the Harbor Commission and should be reconsidered. He addressed the

development of effective public outreach, alternative mooring designs and the objective of developing Newport Harbor as a preferred and welcoming destination. Regarding the latter, he reported working with Visit Newport Beach to organize a "Harbor Summit" to engage key Harbor area stakeholders to provide a unified approach to serving harbor visitors and build the brand of Newport Harbor. Chair West addressed evaluation of a potential turning basin and anchorage, and provided an update of the subcommittee's efforts as well as that of the subcommittee charged with evaluating the public pier infrastructure. He stated that while progress was not achieved in every objective, significant progress was made on key objectives.

Chair West expressed his appreciation on the work of the Harbor Commission this year, and thanked everyone for the good work accomplished. He especially thanked Harbor Resources Manager Chris Miller and Harbor Resources Supervisor Shannon Levin for their work and support, and commented on the working model in which the work of the Commission is meant to leverage the effectiveness of the Harbor Resources staff rather than burdening them. Chair West expressed his gratitude to Council Member Gardner for her guidance and faithful support.

Council Member Gardner recommended a follow-up presentation so that Council can be apprised of the accomplishments made by the Harbor Commission.

Chair West suggested that the Commission develop its objectives for the coming year.

Members of the Commission expressed appreciation for Chair West's guidance and leadership as well as efforts to meet with subcommittees to move projects forward.

Commissioner Avery commented on Harbor Code Enforcement and the need to work on the matter going forward. In terms of community outreach, Commissioner Girling commented on the Chair West's involvement with subcommittees and thanked him for his work. Chair West commented positively on collaborations with Visit Newport Beach as well as with the Parks, Beaches and Recreation Commission.

Interested parties were invited to address the Harbor Commission on this item.

Jim Mosher indicated that he was impressed by the way the Commission has set clear objectives for itself and has interacted with Council in its accomplishments. He commented positively on the Commission's organization and functioning, and expressed his appreciation to Chair West and all Commissioners.

In response to Mr. Mosher's inquiry regarding the RGP-54, Chair West reported that it is the specific Army Corps of Engineers designation for the particular regional permit.

There being no others wishing to address the Harbor Commission, Chair West closed public comments for this item.

1. Election of Officers

The Harbor Commission will elect officers for the 2013-14 year.

Recommendation:

- 1) Elect Chairman.
- 2) Elect Vice-Chairman.
- 3) Elect Secretary.

Chair West declared the position of Chair of the Harbor Commission, vacant and called for nominations. Commissioner Avery nominated Commissioner McIntosh for the position of Chair of the Harbor Commission. Commissioner Blank seconded the nomination. There being no other nominations, Commissioner McIntosh was declared Chair of the Harbor Commission, unanimously.

Commissioner West declared the position of Vice Chair of the Harbor Commission, vacant and called for nominations. Commissioner Blank nominated Commissioner Avery for the position of Vice Chair of the

Harbor Commission. Chair McIntosh seconded the nomination. There being no other nominations, Commissioner Avery was declared Vice Chair of the Harbor Commission, unanimously.

Commissioner West declared the position of Secretary of the Harbor Commission, vacant and called for nominations. Commissioner Girling nominated Commissioner Blank for the position of Secretary of the Harbor Commission. Commissioner Rhyne seconded the nomination. There being no other nominations, Commissioner Blank was declared Secretary of the Harbor Commission, unanimously.

Members of the Commission rearranged their seating order appropriately.

8) SUBCOMMITTEE REPORTS

Chair McIntosh called for subcommittee reports.

Commissioner Girling presented an update on the Lower Castaways and addressed meetings with the Parks, Beaches and Recreation Commission. He reported that they have agreed to corroborate with the Harbor Commission going forward. Additionally, he addressed meeting with City Manager Dave Kiff who has agreed to provide resources for the Commission regarding the matter. He addressed take-aways from the meetings including a study to review the bulkheads, traffic patterns in the area, restroom requirements, plumbing and electrical, public parking and a marine recycling component. He noted the need for information regarding districting and listed uses allowed in current conditions. He addressed next steps including the possibility of accelerating the process and reported that he should have additional information within sixty days and suggested holding another study session for increased public input.

Discussion followed regarding derelict vessels on moorings, creating a subcommittee to redevelop Harbor Commission objectives for the coming year, project lines, overhang regulations, and bulkhead and pierhead lines.

Commissioner West presented an update on the Tidelands Management Committee and reported that it has been re-established as a standing committee rather than an ad hoc committee. He stated that the Committee intends to meet quarterly and reported that the next meeting will be on September 19, 2013. He addressed the purposes and responsibilities of the new committee and the creation of a Citizens Advisory Panel to support the committee.

Discussion followed regarding the possibility of having Commissioner Blank apply to the Citizens Advisory Panel. It was noted that other Harbor Commissioners are welcomed to apply, as citizens.

9) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

Council Member Gardner commented on a movie, "Wreckless Moments" noting that it takes place in Newport Harbor in 1949 and has great scenes of what the Harbor looked like then.

10) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

Harbor Resources Manager Miller reported on the status of the RGP-54 noting that the Sampling and Analysis Plan has been approved by the regulatory agencies, that sediment sampling has begun in the Harbor and a report will be submitted to the agencies in the near future.

Mr. Miller reported that staff is currently finalizing the eelgrass plan to propose to the agencies at the end of the month. Additionally, he reported working with the Community Development Department which is in charge of administering leases and permits for commercial marinas and addressed residential fees. He stated that there are high percentages of residential pier owners that have paid.

He reported that he will prepare a staff report for Council for its next meeting which will update the Harbor Commission's purpose and responsibilities to reflect changes as well as the Tidelands Management

Committee and the Tidelands Capital Plan. Lastly, Mr. Miller presented an update on the Balboa Island beach replenishment project.

Brief discussion followed regarding the sunken barge and Council's item discussed under Closed Session at its last meeting. Mr. Miller did not provide any details of this Closed Session item.

11) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER

Jim Mosher suggested that the Harbor Resources Division identify the Harbor Commission's subcommittees on the City's website.

There being no others wishing to address the Harbor Commission, Chair McIntosh closed public comments for this item.

12) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Commissioner Girling noted that there is only one boat launch in the City and indicated the need to consider the matter. He requested that the item be included in a future agenda.

Commissioner Blank reported that the presentation on public piers can be ready within thirty days for presentation.

Commissioner Stapleton addressed the issue of derelict boats and requested a report for the next Harbor Commission meeting.

13) DATE AND TIME FOR NEXT MEETING: Wednesday, August 14, 2013, 6:00 PM

14) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:22 p.m.

A handwritten signature in blue ink, appearing to be "B. Miller", is written in a cursive style.